

Inclusion is at the
heart of our trust



Whistleblowing Policy



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1. Introduction

- 1.1 Oak Learning Partnership is committed to open and honest communication and ensuring the highest possible standards in integrity, and we expect all staff to maintain these standards in accordance with our code of conduct.
- 1.2 In line with the trust's commitment to openness, probity and accountability, members of staff are encouraged to report concerns regarding wrongdoing as soon as possible. This policy will work to ensure that, if a member of staff sees or suspects that something is wrong, they will raise this with the school without fear of reprisals. This is known as "blowing the whistle" – a phrase that is used throughout this policy and should be viewed as a positive action of speaking up.
- 1.3 This policy seeks to ensure that any person suspecting malpractice knows how to raise concerns and what procedures are in place to deal with the concern.
- 1.4 Where this policy necessitates personal or special category data to be processed, it will be done so in accordance with the Trust Data Protection Policy.

2. Scope

- 2.1 This policy applies to all employees of the trust, trustees, QEB members, consultants, contractors, casual and agency staff and volunteers (collectively referred to as staff in this policy).
- 2.2 The Public Interest Disclosure Act 1998 (PIDA) protects employees who "blow the whistle" where the employee reasonably believes that the disclosure falls within the remit of the prescribed person or body and that the information and any allegations are substantially true.
- 2.3 Disclosures made under this procedure will be monitored for statistical purposes as required under the PIDA. The details of any disclosure will remain confidential.
- 2.4 The school Headteacher is the first point of contact for whistleblowing queries. If the allegation is related to the Headteacher, the concern will be raised with the CEO of the trust. If the allegation is related to the CEO, the concern will be raised with the Chair of Trustees.
- 2.5 Any member of the school community or the general public is able to "blow the whistle"; however, the PIDA and the Employment Rights Act 1996 do not protect non-employees as far as whistleblowing is concerned.
- 2.6 Irrespective of 2.5, the trust will not allow harassment, dismissal or exclusion for any non-employee who raises a genuine concern.
- 2.7 Where individuals feel that they have been unfairly treated following blowing the whistle, they should make a complaint under the Trust Complaints Policy.

3. Definitions

- 3.1 Whistleblowing is the disclosure of information which relates to suspected wrongdoing or dangers at work. The law provides protection for workers who raise legitimate concerns about specified matters or 'qualifying disclosures'. A qualifying disclosure is one made in the public interest by a worker who has a reasonable belief of wrongdoing or dangers at work. This may include:
- criminal activity
 - miscarriages of justice
 - danger to health and safety
 - damage to the environment
 - failure to comply with any legal or professional obligation or regulatory requirements
 - bribery
 - financial fraud or mismanagement
 - negligence
 - breach of our internal policies and procedures (including our Code of Conduct)
 - conduct likely to damage our reputation
 - unauthorised disclosure of confidential information
 - other unethical behaviour
 - the deliberate concealment of any of the above matters
- 3.2 In the public interests means that an individual acted outside of their own personal interest – they acted for more than personal gain. It is not necessary for the disclosure to be of interest to the entire public. The following considerations are often used as a test to establish whether something is within the scope of public interest:
- The number of people in the group whose interests the disclosure served
 - The nature of the interests and the extent by which individuals are affected by the wrongdoing disclosed
 - The nature of the wrongdoing disclosed
 - The identity of the alleged wrongdoer
- 3.3 Grievances involve someone filing a complaint because they personally have been mistreated in some way – the person making the complaint will have a direct interest in the outcome. It is important to understand the difference between raising a grievance and blowing the whistle.

4. Harassment and victimisation of staff

- 4.1 The trust recognises that the decision to report a concern can be a difficult one to take, not least because of the fear of reprisal from those responsible for the malpractice or from the school as a whole; however, the trust will not tolerate any such harassment or victimisation and will take appropriate action to protect staff who raise a concern in good faith.
- 4.2 Employees are protected in law by the PIDA, which gives employees protection from detriment and dismissal where they have made a protected disclosure, providing the legal requirements of the Act are satisfied, e.g. the disclosure was in the public interest.

- 4.3 Any member of staff who victimises or harasses a member of staff as a result of their having raised a concern in accordance with this policy will be dealt with under the Trust Disciplinary Policy and Procedure.

5. Good practice principles

- 5.1 The trust will implement the core whistleblowing principles, as outlined in the 'Freedom to speak up report', to ensure that whistleblowing procedures are fair, clear and consistent.
- 5.2 The trust will implement a culture of change by ensuring the following principles are reflected in our ethos and values – there will be a culture:
- Of safety in our schools.
 - Where people feel confident with raising concerns.
 - Free from bullying.
 - Of visible leadership.
 - Of valuing staff.
 - Of reflective practice.
- 5.3 By providing a clear procedure for mediating and resolving cases, as outlined in the procedures section of this policy, the trust will ensure that all cases are efficiently handled. This procedure includes:
- How to raise and report concerns.
 - How investigations will be conducted.
 - How the school will mediate and resolve disputes.
- 5.4 The trust will implement measures to support good practice by ensuring adherence to the following principles:
- Offering relevant training to staff
 - Providing the necessary support to staff
 - Providing support to staff who are seeking alternative employment
 - Being transparent
 - Being accountable
 - Conducting an external review of any concerns raised, where necessary
 - Undertaking regulatory action as required
 - Informing staff what protection is available to them if they report someone
 - Ensuring that alternative whistleblowing channels are in place for members of staff who feel unable to raise an issue with their employer
- 5.5 We will ensure there are particular support measures in place for vulnerable groups by adhering to the following principles:
- Ensuring non-permanent staff are taught, and receive training on, the same principles as permanent staff
 - Ensuring students and trainees are subject to all the safeguarding and whistleblowing principles
 - Ensuring staff from ethnic minorities are supported, as they may feel particularly vulnerable when raising concerns
 - Ensuring staff are empowered and protected, enabling them to raise concerns freely

6. Procedure

- 6.1 When raising concerns, individuals will express them in writing to the Headteacher.
- 6.2 If an individual is raising a concern about a Headteacher, they should express their concerns in writing to the CEO. Where this is the case, the CEO will take on the headteacher's duties outlined in the next steps section of this policy.
- 6.3 If an individual is raising a concern about the CEO, they should express their concerns in writing to the Chair of Trustees. Where this is the case, the Chair of Trustees will take on the headteacher's duties outlined in the next steps section of this policy.
- 6.4 When individuals raise their concern, they will include the following information as far as possible:
 - The background and history of the concern
 - Any relevant names, dates and places
 - The reasons for the concern
- 6.5 The school encourages individuals to let their identity be known when they raise concerns, as anonymous concerns can be challenging to investigate.
- 6.6 Individuals who would like to seek professional and confidential advice should contact Protect, a registered charity that advises on whistleblowing queries. The Protect website can be accessed via (www.protect-advice.org.uk), or they can be contacted on 0203 117 2520.
- 6.7 Once an individual has raised a concern, the school will be responsible for investigating it.
- 6.8 In certain instances, it may be appropriate for the individual to raise the concern with an outside agency, e.g. the police, depending on the severity of the concern. Equally, it may be appropriate for the individual to request that their trade union raises the matter.
- 6.9 If a member of staff feels they should report a concern to the ESFA, they should use the online contact form.
- 6.10 The school, or the appropriate external agency, will acknowledge receipt of a disclosure but, unless additional information is required, will not contact or engage in dialogue with the whistleblower, as this may undermine the legitimacy of the investigation outcome.

7. Next steps

- 7.1 The Headteacher will write to the individual within 10 working days of the initial meeting to confirm that the concern has been received, as well as to indicate proposals for dealing with the matter.
- 7.2 The initial stage will be an interview with the whistleblower, and then an

assessment of further action will be discussed. During this initial stage, the Headteacher will establish if:

- There are grounds for a concern and that it is genuine.
- The concern was raised in accordance with this policy.

7.3 During the initial interview, the Headteacher will request the individual puts their concern in writing, if they have not already done so. The Headteacher will write a summary of the concern if the individual is unable to put it in writing.

7.4 The Headteacher will explain the following to anybody raising a concern:

- How they will communicate with the complainant throughout the process. It should be noted, the need for confidentiality may prevent the school giving the complainant specific details of any necessary investigation or any necessary disciplinary action taken as a result of the concern.
- That the complainant's identity will be kept confidential from the alleged wrongdoer.
- That the Board of Trustees will do everything in its power to protect the complainant from discrimination.
- That if the concern is genuine, even if the concern is not confirmed, no disciplinary action will be taken against the complainant.

7.5 If clear evidence is uncovered that the complainant's concern is malicious or unfounded, disciplinary action may be brought against them.

7.6 If an investigation is carried out, the whistleblower will be informed of the final outcome.

7.7 A record will be kept of the seriousness of the issues raised and the credibility of the concern. All records will be kept confidential and will be stored in line with the Trust Records Management Policy.

7.8 It may be possible for the concern to be resolved by simply agreeing the necessary action or explaining procedures to the alleged wrongdoer; however, depending on the severity and nature of the concern, it may:

- Be investigated by management, an internal audit or through the disciplinary process.
- Be referred to the police or an external auditor.
- Form the subject of an independent inquiry.

7.9 If the investigating officer needs to talk to the whistleblower, they are permitted to be accompanied by a trade union representative, a professional association representative, a friend or a fellow member of staff not involved in the area of work that the concern relates to. This person will provide support only and will not be allowed to become involved in the proceedings.

7.10 A record will be made of the nature and outcome of the concern. The purpose of this is to ensure that a central record is kept which can be cross-referenced with other complaints to monitor any patterns of concern across the school and to assist in monitoring the procedure.

- 7.11 The whistleblower will be informed of the results of the investigation, and any action that is proposed will be subject to third party rights. Where action is not taken, the individual will be given an explanation.

8. What the school asks of you

- 8.1 The purpose of this policy is to enable individuals to raise concerns in confidence, without any fear of reprisal; therefore, it is imperative that whistleblowers:
- Do not take the concern outside the school unless it is to report the concern through the proper external channels, e.g. gossiping.
 - Declare any personal interest in the matter, as the policy is designed to be used in the interest of the public and not for individual matters.

9. Appeal process

- 9.1 If no action is to be taken and/or the individual is not satisfied with the way the matter has been handled, they can make a complaint under the Trust Complaints Procedure Policy.

10. Unfair treatment

- 10.1 An individual can take a case to an employment tribunal if they feel that they have been treated unfairly as a result of whistleblowing.
- 10.2 Further information can be sought from the Citizen Advice Bureau, the whistleblowing charity Project or from an individual trade union
- 10.3 Any claims of unfair dismissal needs be made within three months of the investigation ending

